

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 5

IN THE MATTER OF:) Docket No. V-W- '95-C-360
)
Ohio Drum Reconditioning Site) ADMINISTRATIVE ORDER
) PURSUANT TO SECTION 106(a)
) OF THE COMPREHENSIVE
Respondents:) ENVIRONMENTAL RESPONSE,
) COMPENSATION, AND
) LIABILITY ACT OF 1980,
Listed in Attachment A) AS AMENDED, 42 U.S.C.
) SECTION 9606(a)

I. JURISDICTION AND GENERAL PROVISIONS

This Order is issued pursuant to the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9606(a), and delegated to the Administrator of the United States Environmental Protection Agency ("U.S. EPA") by Executive Order No. 12580, January 23, 1987, 52 Federal Register 2923, and further delegated to the Regional Administrators by EPA Delegation Nos. 14-14-A and 14-14-B, and to the Director, Superfund Division, Region 5, by Regional Delegation Nos. 14-14-A and 14-14-B.

This Order pertains to property located at 3965 West 25th Street and the lot immediately to the south at 3970 West 25th Street, Cleveland, Ohio (the "Ohio Drum Reconditioning Site" or the "Site"). This Order requires the Respondents to conduct removal activities described herein to abate an imminent and substantial endangerment to the public health, welfare or the environment that may be presented by the actual or threatened release of hazardous substances at or from the Site.

U.S. EPA has notified the State of Ohio of this action pursuant to Section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

II. PARTIES BOUND

This Order applies to and is binding upon Respondents and Respondents' heirs, receivers, trustees, successors and assigns. Any change in ownership or corporate status of Respondents including, but not limited to, any transfer of assets or real or personal property shall not alter such Respondents' responsibilities under this Order. Respondents are jointly and severally liable for carrying out all activities required by this



Samples from the top few inches of the swamp sediment found PCBs (170 ppm), lead (4,700 ppm), mercury (100 ppm), chromium (710 ppm), cadmium (100 ppm), and numerous polynuclear aromatic hydrocarbon ("PAH") compounds. Samples taken in Big Creek downstream from the swamp by U.S. EPA on this date indicated that levels of PCBs, chromium, naphthalene, benzo-a-pyrene, chrysene, benzo-a-anthracene, fluoranthene, benzo-k-fluoranthene and indeno (1,2,3-cd) pyrene were higher in downstream sediments than upstream sediments. These sediments will not be addressed in this removal action. These samples indicate that numerous CERCLA-hazardous substances are being released from the swamp and are impacting Big Creek. It should also be noted that levels of PCBs (64 ppm), and lead (2,700 ppm) found on the Ohio Drum property are also a concern, and will be addressed in this removal action.

6. In May 1992, samples of the contaminated sediment in the swamp were collected by the Environmental Response Team. The analysis found PCBs (31,000 ppm), lead (8,910 ppm), chromium (1,073 ppm), cadmium (46 ppm), and mercury (1,015 ppm).
7. On July 29, 1992, heavy rains occurred in the Big Creek watershed causing flooding along Big Creek. On July 30, U.S. EPA's On-Scene Coordinator ("OSC") and TAT conducted a site visit and found that the contaminated swamp had been flooded the day before causing the probable release of CERCLA-hazardous substances to Big Creek.
8. On April 29, 1996, U.S. EPA collected additional grab samples from the surface of the swamp and found PCB contamination as high as 368 ppm. This is an area that people can still come in direct contact with.
9. The Ohio Drum Reconditioning Site includes the Ohio Drum property, the adjacent swamp (on Brookside Auto Parts' property), and any other areas where hazardous substances have migrated from the Ohio Drum property.
10. The Ohio Department of Health and the Agency for Toxic Substances and Disease Registry ("ATSDR") have recently completed an evaluation of this Site, and have recommended that U.S. EPA take immediate steps to remove contaminated soils and sediments from this Site. To date, there have been no State or local actions taken at this Site, nor are any actions anticipated. The Ohio Environmental Protection Agency ("OEPA") has been informed of U.S. EPA's proposed activities at this Site.

is unsecured and human and animal footprints have been found in the swamp indicating that the public may have been exposed to contamination as high as the following levels via direct contact with sediment, according to the May 1992 sampling:

PCBs - 31,000 ppm
mercury - 1,015 ppm
lead - 8,913 ppm
chromium - 1,073 ppm

Such high levels of lead and mercury could cause or contribute to lead or mercury poisoning of those (especially children) that come in contact with or live near this Site. Lead poisoning causes learning disabilities, hyperactivity, low IQs, delayed growth, hearing loss and shortened attention spans in children. Other effects on the public in general could be paralysis of wrist and ankle muscles, encephalopathy, anemia and kidney disease. Mercury poisoning could cause respiratory and digestive problems, renal damage, and neurologic disturbances. High level exposure to chromium could cause pulmonary problems. PCB exposure can cause skin and liver problems. Lead, cadmium, chromium and PCBs are all suspected carcinogens. The Ohio Department of Health and ATSDR have recently completed an evaluation of this Site and have recommended that U.S. EPA take immediate steps to remove contaminated soils and sediments from this site. Children have been seen playing in the area and also have been observed wading in Big Creek adjacent to the Site. There is also a rope swing at the bank of Big Creek adjacent to the leachate seepage stream from the contaminated swamp. Footprints indicate that the public, probably children, have been in contact with this leachate seepage. During dry periods, the contaminated swamp has been observed to be completely dried out. Under such dry conditions, it is possible that loose contaminated sediments could become windborne and carried off-site.

Lead is toxic by ingestion and inhalation of dust or fume and is considered a cumulative poison. The highest concentration of lead present at the Site, according to the May 1992 sampling, is 8,910 ppm in swamp sediments. U.S. EPA's screening level for lead is 400 ppm according to U.S. EPA's Revised Interim Soil Lead Guidance for CERCLA Sites and Resource Conservation and Recovery Act ("RCRA") Corrective Action Facilities, OSWER Directive #9358.4-12, dated 7/14/94. Possible routes of exposure would be inhalation of windborne sediment/soil particles and direct contact with contaminated sediments/soils. The U.S. EPA ambient air standard is 1.5 ug/m³. The National Institute for Occupational Safety and Health ("NIOSH") recommends a Time Weighted Average ("TWA") of 0.100 mg/m³ for occupational exposure, and air concentrations must be maintained so that worker blood levels remain below 0.060 mg/100g of whole blood.

dry up and contaminated sediments become windborne. The toxicity characteristic leaching procedure ("TCLP") regulatory limit for chromium is 5,000 parts per billion ("ppb"). The Big Creek sediments downstream of the Site were found to have increased 8,000 ppb over the upstream sampling result for chromium, illustrating the influence of nearby contamination from the Site on the creek. There is the potential for ingestion of contaminated sediments or soils, direct contact, and food chain contamination.

Other synergistic chemicals adding to the risks are phenanthrene, fluoranthene, pyrene, benzo-(a)-anthracene, chrysene, benzo-(b)-fluoranthene, benzo-(k)-fluoranthene, benzo-(a)-pyrene, indeno-(1,2,3-cd)pyrene and benzo-(g,h,i)-perylene, classified as polynuclear aromatic hydrocarbons ("PAHs"). All are considered insoluble in water and are derived from coal tar or are incomplete combustion products of fossil fuels. Several of these compounds are suspected human carcinogens and exposure to any concentration should be avoided. PAHs were found in the swamp soils and in the downstream creek sediments. Total PAHs found in the sediments of leachate seepage area and Big Creek were 18,605 ppb. A pathway for exposure of PAHs is the leachate of contaminated water from the swamp or, if the earthen dam containing the swamp flooded, there could be additional contamination of Big Creek, a tributary to Lake Erie. Another potential pathway of exposure would be ingestion of contaminated soil/sediment. Children have been seen playing on the site and wading in Big Creek and are being exposed to these contaminants. Many human footprints have been seen in the leachate seepage. Although the water is not used for drinking in this area, recreational ingestion may be a path of exposure. The Ohio Department of Health and ATSDR have recently completed an evaluation of this site and have recommended that U.S. EPA take immediate steps to remove contaminated soils and sediments from this Site.

The sample results also indicate that PCBs, PAHs and chromium are leaching from the Site into Big Creek and could enter the food chain. Sampling results on Big Creek sediments taken downstream of the Site for the following contaminants indicate that they have increased over upstream sediment concentrations according to the March 1991 sampling:

1. Notice of Intent to Comply

Respondents shall notify U.S. EPA in writing within 2 business days after the effective date of this Order of Respondents' irrevocable intent to comply with this Order. Failure of each Respondent to provide such notification within this time period shall be a violation of this Order.

2. Designation of Contractor, Project Coordinator, and On-Scene Coordinator

Respondents shall perform the removal actions themselves or retain contractors to implement the removal actions. Respondents shall notify U.S. EPA of Respondents' qualifications or the name and qualifications of such contractors, whichever is applicable, within 10 business days of the effective date of this Order. Respondents shall also notify U.S. EPA of the name and qualifications of any other contractors or subcontractors retained to perform work under this Order at least 5 business days prior to commencement of such work. U.S. EPA retains the right to disapprove of the Respondents or any of the contractors and/or subcontractors retained by the Respondents. If U.S. EPA disapproves a selected contractor, Respondents shall retain a different contractor within 2 business days following U.S. EPA's disapproval and shall notify U.S. EPA of that contractor's name and qualifications within 3 business days of U.S. EPA's disapproval.

Within 10 business days after the effective date of this Order, the Respondents shall designate a Project Coordinator who shall be responsible for administration of all the Respondents' actions required by the Order and submit the designated coordinator's name, address, telephone number, and qualifications to U.S. EPA. To the greatest extent possible, the Project Coordinator shall be present on-site or readily available during site work. U.S. EPA retains the right to disapprove of any Project Coordinator named by the Respondents. If U.S. EPA disapproves a selected Project Coordinator, Respondents shall retain a different Project Coordinator within 3 business days following U.S. EPA's disapproval and shall notify U.S. EPA of that person's name and qualifications within 4 business days of U.S. EPA's disapproval. Receipt by Respondents' Project Coordinator of any notice or communication from U.S. EPA relating to this Order shall constitute receipt by all Respondents.

The U.S. EPA has designated Joseph Fredle of the Emergency Response Branch, Region 5, as its OSC. Respondents shall direct all submissions required by this Order to the OSC at U. S. Environmental Protection Agency, Eastern District Office, 25089 Center Ridge Road, SE-W, Westlake, Ohio 44145-4179, by certified or express mail. Respondents shall also send a copy of all submissions to Kevin C. Chow, Assistant Regional Counsel, 77 West Jackson Boulevard, C-29, Chicago, Illinois, 60604-3590. All

3.2 Health and Safety Plan

Within 15 business days after the effective date of this Order, the Respondents shall submit a plan for U.S. EPA review and comment that ensures the protection of the public health and safety during performance of on-site work under this Order. This plan shall comply with applicable Occupational Safety and Health Administration (OSHA) regulations found at 29 CFR Part 1910. If U.S. EPA determines it is appropriate, the plan shall also include contingency planning. Respondents shall incorporate all changes to the plan recommended by U.S. EPA, and implement the plan during the pendency of the removal action.

3.3 Quality Assurance and Sampling

All sampling and analyses performed pursuant to this Order shall conform to U.S. EPA direction, approval, and guidance regarding sampling, quality assurance/quality control (QA/QC), data validation, and chain of custody procedures. Respondents shall ensure that the laboratory used to perform the analyses participates in a QA/QC program that complies with U.S. EPA guidance. Upon request by U.S. EPA, Respondents shall have such a laboratory analyze samples submitted by U.S. EPA for quality assurance monitoring. Respondents shall provide to U.S. EPA the quality assurance/quality control procedures followed by all sampling teams and laboratories performing data collection and/or analysis. Respondents shall also ensure provision of analytical tracking information consistent with OSWER Directive No. 9240.0-2B, "Extending the Tracking of Analytical Services to PRP-Lead Superfund Sites."

Upon request by U.S. EPA, Respondents shall allow U.S. EPA or its authorized representatives to take split and/or duplicate samples of any samples collected by Respondents or their contractors or agents while performing work under this Order. Respondents shall notify U.S. EPA not less than 3 business days in advance of any sample collection activity. U.S. EPA shall have the right to take any additional samples that it deems necessary.

3.4 Reporting

Respondents shall submit a monthly written progress report to U.S. EPA concerning activities undertaken pursuant to this Order, beginning 30 calendar days after the date of U.S. EPA's approval of the Work Plan, until termination of this Order, unless otherwise directed by the OSC. These reports shall describe all significant developments during the preceding period, including the work performed and any problems encountered, analytical data received during the reporting period, and developments anticipated during the next reporting period, including a schedule of work to be performed, anticipated problems, and planned resolutions of past or anticipated problems.

Where work under this Order is to be performed in areas owned by or in possession of someone other than Respondents, Respondents shall obtain all necessary access agreements within 14 calendar days after the effective date of this Order, or as otherwise specified in writing by the OSC. Respondents shall immediately notify U.S. EPA if, after using their best efforts, they are unable to obtain such agreements. Respondents shall describe in writing their efforts to obtain access. U.S. EPA may then assist Respondents in gaining access, to the extent necessary to effectuate the response activities described herein, using such means as U.S. EPA deems appropriate.

5. Record Retention, Documentation, Availability of Information

Respondents shall preserve all documents and information, in their possession or the possession of their contractors, subcontractors or representatives, relating to work performed under this Order, or relating to the hazardous substances found on or released from the Site, for six years following completion of the removal actions required by this Order. At the end of this six year period and at least 60 days before any document or information is destroyed, Respondents shall notify U.S. EPA that such documents and information are available to U.S. EPA for inspection, and upon request, shall provide the originals or copies of such documents and information to U.S. EPA. In addition, Respondents shall provide documents and information retained under this Section at any time before expiration of the six year period at the written request of U.S. EPA.

6. Off-Site Shipments

All hazardous substances, pollutants or contaminants removed off-site pursuant to this Order for treatment, storage or disposal shall be treated, stored, or disposed of at a facility in compliance, as determined by U.S. EPA, with the U.S. EPA Off-Site Rule, 40 CFR § 300.440, 58 Federal Register 49215 (Sept. 22, 1993).

7. Compliance With Other Laws

All actions required pursuant to this Order shall be performed in accordance with all applicable local, state, and federal laws and regulations except as provided in CERCLA Section 121(e) and 40 CFR Section 300.415(i). In accordance with 40 CFR Section 300.415(i), all on-site actions required pursuant to this Order shall, to the extent practicable, as determined by U.S. EPA, considering the exigencies of the situation, attain applicable or relevant and appropriate requirements under federal environmental or state environmental or facility siting laws.

actions unilaterally, pursuant to Section 104 of CERCLA, 42 U.S.C. § 9604, and/or may seek judicial enforcement of this Order pursuant to Section 106 of CERCLA, 42 U.S.C. § 9606.

VIII. REIMBURSEMENT OF COSTS

Respondents shall reimburse U.S. EPA, upon written demand, for all response costs incurred by the United States in overseeing Respondents' implementation of the requirements of this Order. U.S. EPA may submit to Respondents on a periodic basis a bill for all response costs incurred by the United States with respect to this Order. U.S. EPA's Itemized Cost Summary, or such other summary as certified by U.S. EPA, shall serve as the basis for payment.

Respondents shall, within 30 days of receipt of the bill, remit a cashier's or certified check for the amount of those costs made payable to the "Hazardous Substance Superfund," to the following address:

U.S. Environmental Protection Agency
Superfund Accounting
P.O. Box 70753
Chicago, Illinois 60673

Respondents shall simultaneously transmit a copy of the check to the Director, Superfund Division, U.S. EPA Region 5, 77 West Jackson Blvd., Chicago, Illinois, 60604-3590. Payments shall be designated as "Response Costs - Ohio Drum Reconditioning Site" and shall reference the payors' names and addresses, the U.S. EPA site identification number (26), and the docket number of this Order.

Interest at a rate established by the Department of the Treasury pursuant to 31 U.S.C. § 3717 and 4 CFR § 102.13 shall begin to accrue on the unpaid balance from the day after the expiration of the 30 day period notwithstanding any dispute or an objection to any portion of the costs.

IX. RESERVATION OF RIGHTS

Nothing herein shall limit the power and authority of U.S. EPA or the United States to take, direct, or order all actions necessary to protect public health, welfare, or the environment or to prevent, abate, or minimize an actual or threatened release of hazardous substances, pollutants or contaminants, or hazardous or solid waste on, at, or from the Site. Further, nothing herein shall prevent U.S. EPA from seeking legal or equitable relief to enforce the terms of this Order. U.S. EPA also reserves the right to take any other legal or equitable action as it deems appropriate

XII. NOTICE OF COMPLETION

After submission of the Final Report, Respondents may request that U.S. EPA provide a Notice of Completion of the work required by this Order. If U.S. EPA determines, after U.S. EPA's review of the Final Report, that all work has been fully performed in accordance with this Order, except for certain continuing obligations required by this Order (e.g., record retention), U.S. EPA will provide written notice to the Respondents. If U.S. EPA determines that any removal activities have not been completed in accordance with this Order, U.S. EPA will notify the Respondents, provide a list of the deficiencies, and require that Respondents modify the Work Plan to correct such deficiencies. The Respondents shall implement the modified and approved Work Plan and shall submit a modified Final Report in accordance with the U.S. EPA notice. Failure to implement the approved modified Work Plan shall be a violation of this Order.

XIII. ACCESS TO ADMINISTRATIVE RECORD

The Administrative Record supporting these removal actions is available for review during normal business hours in the U.S. EPA Record Center, Region 5, 77 W. Jackson Blvd., Seventh Floor, Chicago, Illinois. Respondents may contact Kevin Chow, Assistant Regional Counsel, at (312) 353-6181 to arrange to review the Administrative Record. An index of the Administrative Record is attached to this Order.

XIV. OPPORTUNITY TO CONFER

Within 4 business days after issuance of this Order, Respondents may request a conference with U.S. EPA. Any such conference shall be held within 2 business days from the date of the request, unless extended by agreement of the parties. At any conference held pursuant to the request, Respondents may appear in person or be represented by an attorney or other representative.

If a conference is held, Respondents may present any information, arguments or comments regarding this Order. Regardless of whether a conference is held, Respondents may submit any information, arguments or comments (including justifications for any assertions that the Order should be withdrawn against a Respondent), in writing to U.S. EPA within 2 business days following the conference, or within 7 business days of issuance of the Order if no conference is requested. This conference is not an evidentiary hearing, does not constitute a proceeding to challenge this Order, and does not give Respondents a right to seek review of this Order. Requests for a conference shall be directed to Kevin Chow, Assistant Regional Counsel, at (312) 353-6181. Written submittals shall be directed as specified in Section V.2 of this Order.

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION

ADMINISTRATIVE RECORD
FOR
OHIO DRUM RECONDITIONING, INC. SITE
CLEVELAND, OHIO

UPDATE #3
APRIL 10, 1996

<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
06/28/96	Fredle, J., U.S. EPA	Muno, R., U.S. EPA	Action Memorandum: Request for a Time-Critical Removal Action at the Ohio Drum Reconditioning, Inc. Site, Cleveland, OH	18

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION

GUIDANCE ADDENDUM TO THE
ADMINISTRATIVE RECORD
FOR
OHIO DRUM RECONDITIONING COMPANY, INC.
CLEVELAND, OHIO

NOVEMBER 7, 1994

<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
09/01/89	OSWER/ U.S. EPA	U.S. EPA	Interim Guidance on Establishing Soil Lead Cleanup Levels at Superfund Sites	3
01/26/90	OSWER/ U.S. EPA	U.S. EPA	Supplement to Interim Guidance on Establish- ing Soil Lead Cleanup Levels at Superfund Sites (OSWER Directive #9355.4-02A)	2
05/07/90	OSWER/ U.S. EPA	U.S. EPA	Interim Guidance on Establishing Soil Lead Cleanup Levels at RCRA Facilities	2
06/21/90	OSWER/ U.S. EPA	U.S. EPA	Cleanup Level for Lead in Ground Water	4
08/15/90	OSWER/ U.S. EPA	U.S. EPA	Guidance on Remedial Actions for Superfund Sites with PCB Contamination (OSWER Directive #9355.4-01)	79
08/29/91	OSWER/ U.S. EPA	U.S. EPA	Update on OSWER Soil Lead Cleanup Guidance	4
07/01/93	40 CFR Ch. 1		Subpart G: PCB Spill Cleanup Policy (52 FR 10705: April 2, 1987)	6

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION

ADMINISTRATIVE RECORD
FOR
OHIO DRUM RECONDITIONING COMPANY, INC.

UPDATE #1
CLEVELAND, OHIO

April 16, 1993

<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
08/00/92	Roy F., Weston, Inc.	Zownir, A., U.S. EPA	Soil Sampling and Treatability Study	294

ATTACHMENT A

LIST OF RESPONDENTS RECEIVING UNILATERAL ADMINISTRATIVE ORDER

Archer-Daniels-Midland Company
c/o C T Corporation System
Registered Agent
815 Superior Avenue, NE
Cleveland, Ohio 44114

Ashland Chemical Company
c/o Gertrude M. Kelly, Esq.
Law Department
Post Office Box 2219
Columbus, Ohio 43216

City Barrel & Drum Co.
2881 East 91st Street
Cleveland, Ohio 44104

Cuyahoga Chemical Company
c/o Mr. Paul A. Moffat
Registered Agent
270 Bradley Road
Bay Village, Ohio 44140

C. DeSantis Paints Manufacturing Company
4101 East 116th Street
Cleveland, Ohio 44105

Waterlox Coatings Corporation
f/k/a Empire Varnish Company
c/o Mr. John Hawkins, Manager
9808 Meech Avenue
Cleveland, Ohio 44105

Mr. Elmer Freiberg
c/o Michael McMahon, Esq.
McMahon, DeGulis & Hoffman
The Kaxton Building
812 Huron Road, Suite 650
Cleveland, Ohio 44115-1126

General Steel Barrel Company
c/o Michael McMahon, Esq.
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812 Huron Road, Suite 650
Cleveland, Ohio 44115-1126

U.S. Steel-Lorain Works
c/o USX Corporation
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600 Grant Street, Room 1500
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Youngstown Barrel & Drum Co.
c/o Mr. Louis Fish
Registered Agent
1043 Marble Street
Youngstown, Ohio 44502